

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5174 OF 2005

Sandeep Chimanlal Shah.

... Applicant.

Versus.

The State of Maharashtra & anr. ... Respondents.

Shri M.H.Solkar for the Applicant.

Shri K.V.Saste, A.P.P.for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 17th August, 2005.

P.C.:

1. Heard the learned Counsel for the Applicant and the learned A.P.P. for the State.

2. The learned Advocate for the Applicant stated that the learned Judicial Magistrate First Class, 8th Court, Pune, has issued non-bailable warrant against the Petitioner on 15th July 2005 in Case No.65 of 2004. He states that the Applicant will appear before the learned Magistrate and will apply for cancellation of warrant. He stated that to enable him to do so, the Applicant may be protected for a reasonable time. The learned A.P.P. stated that the Applicant has committed breach of conditions imposed while granting anticipatory bail and therefore, the Applicant is not entitled to any indulgence.

3. The Applicant has offered to remain present before the learned Magistrate and to apply for cancellation of warrant. The statement of the Applicant made through his Advocate that he will remain present before the learned Magistrate on 29th August 2005 is accepted.

4. Hence the Application is disposed for by passing the following order:

(i) The statement of the Applicant made through his Advocate that he will appear before the learned Judicial Magistrate First Class, 8th Court, Pune, on 29th August 2005 is accepted.

(ii) Till 29th August 2005, warrant order issued on the basis of the order dated 15th July 2005 will not be executed. If the Applicant appears before the learned Magistrate on 29th August 2005 and applies for cancellation of warrant, the said Application shall be decided within a period of four weeks from that date and till the decision of the said Application, the warrant shall not be executed.

(iii) If the Applicant fails to appear before the learned Magistrate on 29th August

: 3 :

2005, the warrant issued against the Applicant will become executable forthwith.

(iv) All contentions of the parties are kept open.

(v) The parties and the concerned Court to act on an authenticated copy of this order.

Judge.